

LOCAL RULES

LR 117.1

or incomplete to supplement promptly any disclosure required by these Local Rules or by the Federal Rules of Criminal Procedure.

Adopted September 8, 1998, effective December 1, 1998.

RULE 116.8 NOTIFICATION TO RELEVANT LAW ENFORCEMENT AGENCIES OF DISCOVERY OBLIGATIONS

The attorney for the government shall inform all federal, state, and local law enforcement agencies formally participating in the criminal investigation that resulted in the case of the discovery obligations set forth in these Local Rules and obtain any information subject to disclosure from each such agency.

Adopted September 8, 1998, effective December 1, 1998.

RULE 116.9 PRESERVATION OF NOTES

(A) All contemporaneous notes, memoranda, statements, reports, surveillance logs, tape recordings, and other documents memorializing matters relevant to the charges contained in the indictment made by or in the custody of any law enforcement officer whose agency at the time was formally participating in an investigation intended, in whole or in part, to result in a federal indictment shall be preserved until the entry of judgment unless otherwise ordered by the Court.

(B) These Local Rules do not require the preservation of rough drafts of reports after a subsequent draft of final report is prepared.

(C) These Local Rules do not require modification of a government agency's established procedure for the retention and disposal of documents when the agency does not reasonably anticipate a criminal prosecution.

Adopted September 8, 1998, effective December 1, 1998.

RULE 117.1 PRETRIAL CONFERENCES

(A) Initial Pretrial Conference. After receiving the Magistrate Judge's Final Status Report, and at least thirty (30) days before trial, or at the earliest practicable shorter time before trial consistent with the Speedy Trial Act, the judge who will preside at trial must conduct an Initial Pretrial Conference, which counsel who will conduct the trial must attend. At the Initial Pretrial Conference the judge must:

(1) Attempt to determine if the case will be resolved by a guilty plea, a plea of nolo contendere, or dismissal.

(2) If necessary, schedule a hearing on any motion to dismiss, suppress, or sever or any other motion requiring pretrial resolution.

(3) Establish a reliable trial date.

(4) Unless the declination procedure provided by L.R. 116.6 has previously been invoked, order the

government to disclose to the defendant no later than twenty-one (21) days before the trial date:

(a) The exculpatory information identified in L.R. 116.2.

(b) A general description (including the approximate date, time and place) of any crime, wrong, or act the government proposes to offer pursuant to Fed. R. Evid. 404(b).

(5) Determine whether the parties have furnished statements, as defined by 18 U.S.C. § 3500(e) and Fed. R. Crim. P. 26.2(f), of witnesses they intend to call in their cases-in-chief and, if not, when they propose to do so.

(6) Determine whether any party objects to complying with the presumptive timing directives of L.R. 117.1(A)(8) and (A)(9) for the disclosure of witnesses and identification of exhibits and materials. If any party expresses an objection, the court may decide the issue(s) presented at the Initial Pretrial Conference or may order briefing and/or later argument on such issue(s).

(7) Establish a schedule for the filing and briefing of possible motions in limine and for the filing of proposed voir dire questions, proposed jury instructions, and, if appropriate, trial briefs.

(8) Unless an objection has been made pursuant to L.R. 117.1(A)(6), order that at least seven (7) days before the trial date the government must:

(a) Provide the defendant with the names and addresses of witnesses the government intends to call at trial in its case-in-chief. If the government subsequently forms an intent to call any other witness, the government shall promptly notify the defendant of the name and address of that prospective witness.

(b) Provide the defendant with copies of the exhibits and a premarked list of the exhibits the government intends to offer in its case-in-chief. If the government subsequently decides to offer any additional exhibit in its case-in-chief, the government shall promptly provide the opposing party with a copy of the exhibit and a supplemental exhibit list.

(9) Unless an objection has been made pursuant to L.R. 117.1(A)(6), order that at least three (3) days before the trial the defendant must provide the government with witness and exhibit identification and materials to the same extent the government is obligated to do so under L.R. 117.1(A)(8).

(10) Determine whether the parties will stipulate to any facts that may not be in dispute.

(11) Establish a date for a Second Pretrial Conference, to be held not more than seven (7) days before the trial date, to resolve any matters that must be decided before trial.

(12) Resolve any issues concerning excludable delay under the Speedy Trial Act.